

T: +44 (0)131 244

E

2018

Dear

FORMAL OFFICIAL WARNING:- [REDACTED]
BREACH OF SOUTH ARRAN MARINE CONSERVATION ORDER 2015

On [REDACTED] 2018, an investigation into a suspected infringement has established that there has been a breach of The South Arran Marine Conservation Order 2015. This is specifically that on [REDACTED] 2018 you deployed fishing gear within the boundary of the South Arran Marine Protected Area (MPA) as defined in Schedule 2 of the South Arran Marine Conservation Order 2015, in breach of Article 4(5) of the aforementioned Order.

A summary of the relevant sections of the order are attached as an annex. However for clarity, Article 4(5) of The South Arran Marine Conversation Order States:

“Prohibited and regulated activities

4. (5) A person must not deploy (by any means) or use any passive gear within those parts of the protected area which are described in Schedule 2.

In order to comply with the relevant regulatory requirements while fishing in EC waters you must not deploy any fishing gear as defined above within the area as defined in schedule 2 of the South Arran Marine Conservation Order 2015.

Although there is sufficient evidence to provide a realistic prospect of a conviction, on this occasion the submission of a report to the Procurator Fiscal is not considered to be necessary in the public interest.

A record of this incident along with your personal details will be kept on file and should you commit a further analogous offence within a 2 year period from the date of this letter, a reference to this matter will be included in any report submitted to the Procurator Fiscal at that time.

Yours sincerely

[REDACTED]

Victoria Quay, Edinburgh EH6 6QQ
www.gov.scot/marinescotland



Annex

The South Arran Marine Conservation Order 2015 (SSI 437/2015)

Interpretation

2. In this Order—

"boundary line" means a boundary delineated by a line as described in Schedule 1, 2 or 3; "co-ordinate" means a co-ordinate of latitude and longitude according to the World Geodetic System 1984(a); "the protected area" means the area described in article 3; and "South Arran MPA" means the area designated as a nature conservation marine protected area by, and described in article 3 of, the South Arran Nature Conservation Marine Protected Area Order 2014(b).

Prohibited and regulated activities

4. (5) A person must not deploy (by any means) or use any passive gear within those parts of the protected area which are described in Schedule 2.

SCHEDULE 2

AREAS WHERE, IN ADDITION TO THE PROHIBITION ON THE DEPLOYMENT OR USE OF ANY FISHING GEAR, THE DEPLOYMENT OR USE OF ANY PASSIVE GEAR IS PROHIBITED

For the purposes of articles 2, 4(5) and (6) the parts of the protected area described in this Schedule are enclosed by the boundary lines which are described below, in each case by reference to the co-ordinates of the points joined by a line and a topographical description of the line—

PART 1

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographical description of boundary line</i>
1.	P to Q	Geodesic line
2.	Q to R	Mean high water spring tide
3.	R to S	Geodesic line
4.	S to T	Mean high water spring tide
5.	T to U	Geodesic line
6.	U to P	Mean high water spring tide

Where—

"P" is 55°32.603'N, 005°06.512'W;
"Q" is 55°31.558'N, 005°05.218'W;
"R" is 55°31.876'N, 005°04.305'W;
"S" is 55°32.990'N, 005°04.839'W;
"T" is 55°32.998'N, 005°04.865'W; and
"U" is 55°33.002'N, 005°04.957'W.

PART 2

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographical description of boundary line</i>
1.	V to W	Geodesic Line
2.	W to X	Geodesic Line
3.	X to Y	Geodesic Line
4.	Y to Z	Geodesic Line
5.	Z to AA	Geodesic Line
6.	AA to AB	Geodesic Line
7.	AB to AC	Geodesic Line
8.	AC to AD	Geodesic Line
9.	AD to AE	Geodesic Line

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographical description of boundary line</i>
10.	AE to AF	Geodesic Line
11.	AF to AG	Geodesic Line
12.	AG to AH	Geodesic Line
13.	AH to AI	Geodesic Line
14.	AI to AJ	Geodesic Line
15.	AJ to V	Geodesic Line

Where—

"V" is 55°30.584'N, 005°04.208'W;
 "W" is 55°30.661'N, 005°04.110'W;
 "X" is 55°30.618'N, 005°03.966'W;
 "Y" is 55°30.826'N, 005°03.492'W;
 "Z" is 55°30.943'N, 005°03.468'W;
 "AA" is 55°30.989'N, 005°03.377'W;
 "AB" is 55°30.916'N, 005°03.333'W;
 "AC" is 55°30.621'N, 005°03.388'W;
 "AD" is 55°30.539'N, 005°03.429'W;
 "AE" is 55°30.276'N, 005°03.763'W;
 "AF" is 55°30.193'N, 005°04.055'W;
 "AG" is 55°30.208'N, 005°04.083'W;
 "AH" is 55°30.306'N, 005°04.077'W;
 "AI" is 55°30.400'N, 005°04.040'W; and
 "AJ" is 55°30.520'N, 005°04.080'W.

PART 3

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographical description of boundary line</i>
1.	AK to AL	Geodesic line
2.	AL to AM	Geodesic line
3.	AM to AN	Geodesic line
4.	AN to AO	Geodesic line
5.	AO to AP	Geodesic line
6.	AP to AQ	Geodesic line
7.	AQ to AK	Mean high water spring tide

Where—

"AK" is 55°30.403'N, 005°04.812'W;
 "AL" is 55°30.035'N, 005°04.838'W;
 "AM" is 55°29.650'N, 005°05.146'W;
 "AN" is 55°29.177'N, 005°05.361'W;
 "AO" is 55°28.567'N, 005°05.010'W;
 "AP" is 55°28.039'N, 005°04.535'W; and
 "AQ" is 55°27.914'N, 005°04.749'W.

PART 4

<i>Boundary Line</i>	<i>Set of co-ordinates of points which the boundary line joins</i>	<i>Topographical description of boundary line</i>
1.	AR to AS	Geodesic line
2.	AS to AT	Geodesic line
3.	AT to AU	Geodesic line
4.	AU to AR	Geodesic line

Where—

"AR" is 55°26.280'N, 005°07.860'W;
 "AS" is 55°26.280'N, 005°06.060'W;
 "AT" is 55°25.898'N, 005°06.080'W; and
 "AU" is 55°25.908'N, 005°07.838'W.

PART 5

Boundary Line	Set of co-ordinates of points which the boundary line joins	Topographical description of boundary line
1.	AV to AW	Geodesic line
2.	AW to AX	Geodesic line
3.	AX to AY	Geodesic line
4.	AY to AV	Geodesic line

Where—

"AV" is 55°26.520'N, 005°18.660'W;
"AW" is 55°26.520'N, 005°17.220'W;
"AX" is 55°26.100'N, 005°17.220'W; and
"AY" is 55°26.176'N, 005°18.643'W.



T: +44 (0)131 244 [REDACTED] F: +44 (0)131 244 [REDACTED]

E: [REDACTED]

[REDACTED]

[REDACTED] 2017

Dear [REDACTED]

**FORMAL OFFICIAL WARNING:- [REDACTED]
BREACH OF SOUTH ARRAN MARINE CONSERVATION ORDER 2015**

On [REDACTED] 2017 an investigation into an apparent infringement has established that there has been a breach of The South Arran Marine Conservation Order 2015. This is specifically that on that day you deployed fishing gear within the boundary of the South Arran Marine Protected Area (MPA) as defined in Schedule 2 of The South Arran Marine Conservation Order 2015 and are therefore in breach of Article 4(2) of the aforementioned order. For clarity, Article 4(2) of The South Arran Marine Conservation Order states:

"Prohibited and regulated activities

4. (2) A person must not deploy (by any means) or use any fishing gear within the protected area.

(11) *In this article— “fishing gear” means any beam trawl, demersal seine net, demersal trawl, dredge, any other device used for fishing purposes, and any rope or wire associated with the gear but excluding—*

- (a) *passive gear;*
- (b) *a pelagic trawl;*
- (c) *a rod and line; and*
- (d) *a handline;”*

In order to comply with the relevant regulatory requirements while fishing in EC waters you must not deploy any fishing gear as defined above within the area as defined in the South Arran Marine Conservation Order 2015. You can view a copy of the Order here: www.legislation.gov.uk.

Victoria Quay, Edinburgh EH6 6QQ
www.gov.scot/marinescotland



You have, on two previous occasions, been offered Fixed Penalty Notices to address similar suspected infringements and I also refer to your telephone conversation with my colleague [REDACTED] on [REDACTED] 2017. In our view your current fishing methods must be modified to prevent you committing further incursions. If your current plotting equipment is not accurately reflecting either your position or that of the boundaries of and within the MPA and you are relying on this equipment to identify where you fish then you may wish to keep this in mind to avoid further infringements. It would also seem sensible to familiarise yourself fully with its use.

I would also remind you, as discussed with [REDACTED] that any further suspected infringements will be considered in the context of this warning letter and the previous infringements.

Although there is sufficient evidence to provide a realistic prospect of a conviction on this occasion the submission of a report to the Procurator Fiscal is not considered to be necessary in the public interest. However, I would encourage you to note the contents of this letter and take any necessary action to avoid future infringements.

A record of this incident along with your personal details will be kept on file and should you commit a further analogous offence within a 2 year period from the date of this letter, a reference to this matter will be included in any report submitted to the Procurator Fiscal at that time.

Yours sincerely

[REDACTED]
[REDACTED]